

HOUSE BILL NO. 236

INTRODUCED BY D. KOTTEL

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A LANDLORD WHO SUPPLIES WATER TO TENANTS FROM A PRIVATE WELL OR OTHER PRIVATE WATER SOURCE TO ANNUALLY TEST THE WATER FOR THE PRESENCE OF FECAL COLIFORM AND ESCHERICHIA COLI BACTERIA; AND REQUIRING THE LANDLORD TO TAKE CORRECTIVE ACTION IF THE WATER TESTS POSITIVE FOR FECAL COLIFORM OR ESCHERICHIA COLI BACTERIA OR TO NOTIFY THE TENANTS THAT THE WATER BEING SUPPLIED TO THEM IS NOT SAFE DRINKING WATER."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Duty of landlord to test for bacterial contamination of private water sources -- rulemaking authority. (1) A landlord who supplies water to tenants from a private well or other private water source that is not subject to regulation by the department of environmental quality shall ensure that the water is potable. The landlord shall have the water tested annually for the presence of fecal coliform and Escherichia coli bacteria. The landlord shall have the water tested at the state laboratory or other laboratory licensed by the department of public health and human services as provided in 50-1-202.

(2) (a) If the test results for the water sample submitted by the landlord indicates that the water contains fecal coliform or Escherichia coli bacteria, the landlord shall submit a second sample from the same water source. If the second sample tests positive for fecal coliform or Escherichia coli bacteria, the landlord shall either take corrective action to eliminate the cause of the positive test results or shall notify the tenants that the water being supplied to them is not safe drinking water. After taking corrective action, the landlord shall resubmit a water sample for testing.

(b) After taking any corrective steps pursuant to subsection (2)(a), the landlord shall provide each tenant with a copy of the water sample test results and a statement of the steps taken to correct the problem of the water source testing positive for fecal coliform or Escherichia coli bacteria.

NEW SECTION. Section 2. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 70, chapter 24, part 3, and the provisions of Title 70, chapter 24, part 3, apply to [section 1].

(2) [Section 1] is intended to be codified as an integral part of Title 70, chapter 33, part 3, and the provisions of Title 70, chapter 33, part 3, apply to [section 1].

- END -